

REMARKS

In response to the Office Action mailed August 14, 2003, the Applicants respectfully request reconsideration. Claims 1-73 were previously pending in this application. In this amendment, claims 63-73 have been cancelled and claims 8, 10, 12, 16, 34, 39 and 62 have been amended. No new claims have been added. As a result, claims 1-62 are pending for examination with claims 1, 10, 11, 12, 16, 34, 35, 39, 61 and 62 being independent claims. The application as now presented is believed to be in allowable condition.

Allowable Subject Matter

The Applicants note with appreciation that, in paragraph 6 of the Office Action, claims 12-19, 34 and 39 have been indicated as reciting allowable subject matter. Claims 12, 16, 34 and 39 have been rewritten in independent form to include all of the limitations of their respective base claims and their respective intervening claims. Accordingly, claims 12, 16, 34 and 39 should be in condition for allowance. Claims 13-15 depend from claim 12 and claims 17-19 depend from claim 16 and should also be in condition for allowance.

Also in paragraph 6 of the Office Action, claim 61 was indicated as reciting allowable subject matter. However, in paragraph 3 of the Office Action, claim 61 was rejected. Further, claim 62 was not rejected in the Office Action. Accordingly, the Applicants have assumed that the Examiner had intended to indicate, in paragraph 6, that claim 62 recited allowable subject matter. In view of the foregoing, claim 62 has been re-written in independent form to accept the subject matter that seems to have been deemed allowable.

While the Applicants appreciate the indications of allowable subject matter, the Applicants do not accede to the propriety of any claim rejections over prior art set forth in the Office Action. Thus, the Applicants have re-written some claims solely to accept the subject matter deemed allowable by the Examiner so as to expedite the prosecution of this application towards allowance. Applicants reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments herein.

Claims not Discussed in the Office Action

The Office Action fails to provide any specific rejections of claims 47-54 and 56-60. In fact, these claims are not mentioned at all in the body of the Office action and are only indicated as rejected on the Office Action Summary Sheet. Since no specific rejections of claims 47-54 and 56-60 have been presented in the Office Action, these claims are assumed by the Applicants to contain allowable subject matter.

Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 5, 10, 11, 20-33, 35, 37-38 and 61 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,253,227, to Tompkins et al. (hereinafter Tompkins). The Applicants respectfully traverse these rejections.

The Office Action states that regarding claims 1, 10, 11, 33, 35, and 61, Tompkins discloses a spa control system comprising: at least one LED (52); and an interface (38) coupled to the at least one LED (52), the interface (38) being adapted to engage mechanically and electrically with a conventional pool light socket (30). The Applicants respectfully disagree.

Tompkins is directed to a heating control system for a spa (Abstract). The system uses a microcomputer 10, temperature sensors 20, 21, and a control panel 12 for operating the heating control system. The microcomputer processes signals generated by the sensor and activates and deactivates a heating element to achieve a selected temperature (Col. 2, lines 1-8). The control panel 12 contains a series of push buttons 50 which can be depressed to control the heating system. Each button 50 has a corresponding LED 52 (Col. 4, lines 12-15). When a button 50 is pressed, the corresponding LED 52 is lit (Col. 7, lines 50-52).

The LEDs 52 are located on the control panel 12 to indicate a status of the heating control system to an operator of a heating control system. They are not used to illuminate a liquid in a pool, a spa or in a location to otherwise illuminate a liquid.

Regarding claims 1 and 5

Claim 1 recites, *inter alia*, a light source comprising “an interface coupled to at least one LED, the interface being adapted to engage mechanically and electrically with a conventional pool light socket.” The term “conventional pool light socket” is discussed in the specification, for example, at page 10, line 30 to page 11, line 3.

The LED 52 disclosed in Tompkins is connected to a control panel, not a conventional pool light socket. Accordingly, Tompkins does not disclose “an interface ... adapted to engage mechanically and electrically with a conventional pool light,” much less an interface coupled to an LED that is adapted to engage mechanically and electrically with a conventional pool light. Therefore, claim 1 is patentable over Tompkins and the rejection of claim 1 should be withdrawn.

Claims 2-9 depend from claim 1 and are patentable for at least the same reasons as claim 1.

Regarding claim 10

Claim 10 recites an illumination method comprising, *inter alia*, acts of “engaging at least one light source … with a conventional pool light socket, the at least one light source including at least one LED” and “providing at least power to the at least one light source via the conventional pool light socket.”

As stated above, the LED 52 disclosed in Tompkins is connected to a control panel, not a conventional pool light socket. Accordingly, Tompkins does not disclose either an act of “engaging at least one light source … with a conventional light socket, the at least one light source including at least one LED” or an act of “providing at least power to the at least one light source [including at least one LED] via the conventional pool light socket.” Therefore, for at least the foregoing reasons, claim 10 is patentable over Tompkins and the rejection of claim 10 should be withdrawn.

Regarding claim 11 and 20-33

Claim 11 recites an apparatus comprising “at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa, the light source including at least one LED.”

Tompkins does not disclose how control panel 12 or an LED 52 attached thereto is supported, much less that the LED is supported by a pool or spa. Furthermore, the LEDs in Tompkins are adapted to indicate a status of a heating control system to an operator, not to illuminate a liquid in a pool or a spa. Accordingly, for at least the foregoing reasons, claim 11 is patentable over Tompkins and the rejection of claim 11 should be withdrawn.

Claims 20-33 depend from claim 11 and are patentable for at least the same reasons as claim 11.

Regarding claim 35

Claim 35 recites, *inter alia*, a light fixture comprising an interface coupled to at least one LED, the interface being adapted to engage mechanically and electrically with a wedge type light socket supported by one of a pool and a spa.”

The LEDs 52 disclosed in Tompkins are located on a control panel. Tompkins does not disclose the details of the connection of the LED, much less that the LED is connected using a socket or that the socket is a wedge type socket. Additionally, as stated above, Tompkins does not disclose that the LED is supported by a pool or a spa. Therefore, for at

least the foregoing reasons, claim 35 is patentable over Tompkins and the rejection of claim 35 should be withdrawn.

Claims 36-38 and 42-60 depend from claim 35 and are allowable for at least the same reasons.

Regarding claim 61

Claim 61 recites a method of illuminating a liquid in one of a pool and a spa, comprising acts of “engaging at least one light fixture mechanically and electrically with a wedge type light socket supported by one of a pool and a spa, the at least one light fixture including at least one LED,” and “providing at least power to the at least one light fixture via the wedge type light socket to illuminate the liquid.”

As stated above, the LEDs 52 disclosed in Tompkins are connected to a control panel. The details of the connection of the LED are not disclosed, much less that the LED is engaged using a socket or that the socket is a wedge type socket. Also as stated above, Tompkins does not disclose an LED supported by a pool or a spa. Furthermore, the LEDs in Tompkins are used to indicate a status to an operator, not to illuminate a liquid in a pool or a spa. Therefore, for at least the foregoing reasons, claim 61 is patentable over Tompkins and the rejection of claim 61 should be withdrawn.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 2-9, 36, 40-46 and 55 under 35 U.S.C. §103(a) as allegedly being unpatentable over Tompkins. Applicants respectfully traverse these rejections. In each case, since each of the claims rejected under 35 U.S.C. 103(a) depends from an allowable base claim, these rejections now are moot. Thus, for the sake of brevity, the dependent claims are not discussed in detail herein, for it is believed to be unnecessary at this time to argue the allowability of each of the dependent claims individually. However, the Applicants do not concur with the interpretations of the dependent claims as set forth in the Office Action, nor do the Applicants concur that the bases for the rejections of any of the dependent claims are proper. Therefore, the Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Other Issues

Enclosed is a copy of an IDS first submitted October 17, 2003 and a corresponding stamped post card. The Applicants did not receive an initialed copy of the Form 1449

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accompanying this IDS. They request that an initialed copy of the Form 1449 be returned to them with the next mailing.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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